



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-20817

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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1 AN ACT; relating to: modifications to the Uniform Interstate Family Support
2 Act.

Analysis by the Legislative Reference Bureau

This bill updates the Uniform Interstate Family Support Act (UIFSA) under current law. UIFSA under current law sets out rules and priorities for the exercise of jurisdiction by courts in this state in actions to establish or enforce spousal or child support obligations, to modify child support obligations, or to determine paternity, when the parties reside in different states or when orders have been issued in different states. By setting out such rules and priorities, UIFSA under current law attempts to eliminate the possibility that conflicting support orders might be issued or enforced by courts in different states.

Much of the bill reorganizes provisions in current law and makes various nonsubstantive terminology or technical changes and minor substantive changes.

One of the main substantive changes made by the bill is to expand the application of UIFSA, as it relates to other states, to foreign countries as well, in recognition of the ratification by the United States of the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, concluded at The Hague on November 23, 2007 (convention). The purpose of the convention is to provide international procedures for enforcing child support orders when the person who is liable for the support and the child do not live in the same country. Some examples of conforming current law with this expanded application include: 1) Under current law, a court in this state may send proceedings to, and receive proceedings from, a court of another state. The bill adds that a court in this state may receive proceedings

added for uniformity

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initiated in a tribunal in a foreign country. 2) Current law provides that if a proceeding related to child support is brought in this state and two or more child support orders regarding the same child and obligor have been issued by courts of this or another state, a court of this state must apply certain rules to determine which child support order to recognize for purposes of continuing jurisdiction. Under the bill, the court must use the same rules for the determination, but one or more of the child support orders may have been issued in a foreign country. 3) Under current law, amounts collected and credited for a particular period pursuant to a support order issued by a court in another state must be credited against amounts accrued for the same period under a support order issued by this state. Under the bill, a court of this state must credit amounts collected for a particular period pursuant to any support order against amounts owed for the same period under any other child support order for the same child issued by a court of this or another state or a foreign country. 4) Current law contains provisions related to communication and cooperation between a court in this state and another state. The bill expands that to tribunals outside of this state, which includes those in foreign countries. 5) Under current law, a support order issued in another state may be registered with a court in this state for enforcement. The bill provides that a support order issued in a foreign country also may be registered in this state for enforcement.

Among other substantive changes to current law, the bill does the following:

1. Provides that a court of this state that enforces current support or collects arrearages of support due under a support order issued in another state or a foreign country must apply the procedures and remedies of this state when doing so.

2. Provides the process and notification requirements when a party registering (filing) a support order issued in another state with a court of this state asserts that two or more support orders are in effect.

3. Provides that in a proceeding to modify a support order issued in another state, the law of the other state governs the duration of the obligation and may not be extended by the court of this state. *a court of this state impose a further obligation of support*

4. Provides that a court in this state may assume jurisdiction to modify a child support order issued in a foreign country, and bind all individuals who are subject to the court's personal jurisdiction, if the foreign country lacks or refuses to exercise jurisdiction to modify the order, and that the order issued by the court of this state modifying the foreign child support order is the controlling order.

5. Provides procedures for a person to file a direct request for the establishment or modification of a support order involving an obligor, obligee, or child who lives outside the United States.

6. Provides procedures and requirements, in accordance with the convention, for registering with a court in this state a foreign support order or agreement for recognition and enforcement; specifies the types of proceedings that are available under the convention; provides procedures and requirements for contesting a registered support order; provides grounds for a court to refuse to recognize such an order; and, with limited exceptions, prohibits a court in this state from modifying a foreign support order if the obligor remains a resident of the foreign country.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** [✓]767.01 (2) of the statutes is amended to read:

2 767.01 (2) PATERNITY AND CHILD SUPPORT. In an action to establish paternity or
3 to establish or enforce a child support obligation, in regard to a child who is the
4 subject of the action, a person is subject to the jurisdiction of the courts of this state
5 as provided in s. 769.201 ([✓]1m) or 801.05.[✓]

6 History: 1975 c. 39; 1977 c. 449; 1979 c. [✓]s. 50; 1979 c. 196, 352; Stats. 1979 s. 767.01; 1987 a. 27; 1993 a. 326; 2005 a. 443 ss. 10 to 13.

6 **SECTION 2.** 767.80 (5m) of the statutes is amended to read:

7 767.80 (5m) APPLICABLE PROCEDURE; EXCEPTIONS. Except as provided in ss.
8 767.805, 767.863 (3), 767.85, 767.893 (2) and (2m), and 769.401, unless a male is
9 presumed the child's father under s. 891.41 (1), is adjudicated the child's father either
10 under s. 767.89 or by final order or judgment of a court of competent jurisdiction in
11 another state, or has acknowledged himself to be the child's father under s. 767.805
12 (1) or a substantially similar law of another state, no order or temporary order may
13 be entered for child support, legal custody, or physical placement until the male is
14 adjudicated the father using the procedure set forth in this subchapter, except s.
15 767.805. Except as provided in ss. 767.805, 767.85, and 769.401, the exclusive
16 procedure for establishment of child support obligations, legal custody, or physical
17 placement rights for a male who is not presumed the child's father under s. 891.41
18 (1), adjudicated the father, or acknowledged under s. 767.805 (1) or a substantially
19 similar law of another state to be the father is by an action under this subchapter,
20 except s. 767.805, or under s. ~~769.701~~ [✓]769.402. No person may waive the use of this

1 procedure. If a presumption under s. 891.41 (1) exists, a party denying paternity has
2 the burden of rebutting the presumption.✓

History: 1979 c. 352; 1981 c. 20 s. 2202 (20) (m); 1983 a. 447; 1985 a. 29; 1987 a. 27, 355, 399, 413; 1989 a. 31, 212; 1993 a. 326, 481; 1995 a. 27 s. 9126 (19); 1995 a. 68, 100, 201, 275, 404; 1997 a. 191; 1999 a. 9✓2001 a. 61; 2005 a. 443 ss. 12, 184, 241; Stats. 2005 s. 767.80; 2007 a. 97.

3 **SECTION 3.** 769.101 (2) of the statutes is amended to read:

4 769.101 (2) "Child support order" means a support order for a child, including
5 a child who has attained the age of majority under the law of the issuing state or
6 foreign country.✓

History: 1993 a. 326; 1997 a. 27.

7 **SECTION 4.** 769.101 (2c) of the statutes is created to read:

8 769.101 (2c) "Convention" means the Convention on the International
9 Recovery of Child Support and Other Forms of Family Maintenance,✓
10 The Hague on November 23, 2007.✓

11 **SECTION 5.** 769.101 (3c) of the statutes is created to read:

12 769.101 (3c) "Foreign country" means a country, including a political
13 subdivision of the country, other than the United States, that authorizes the issuance
14 of support orders✓ and to which any of the following applies:

15 (a) The country or political subdivision has been declared under the law of the
16 United States to be a foreign reciprocating country.✓

17 (b) The country or political subdivision has established a reciprocal
18 arrangement for child support with this state under s. 769.308✓ → (2)

19 (c) The country or political subdivision has enacted a law or established
20 procedures for the issuance and enforcement of support orders that are substantially
21 similar to the procedures under this chapter.✓

22 (d) The country or political subdivision is one in which the convention is in force
23 with respect to the United States.✓

24 **SECTION 6.** 769.101 (3g) of the statutes is created to read:

① 769.101 (3g) "Foreign support order" means a support order of a foreign
2 tribunal.

3 SECTION 7. 769.101 (3m) of the statutes is created to read:

4 769.101 (3m) "Foreign tribunal" means a court, administrative agency, or
5 quasi-judicial entity of a foreign country that is authorized to establish, enforce, or
6 modify support orders or to determine parentage of a child. "Foreign tribunal"
7 includes a competent authority under the convention.

8 SECTION 8. 769.101 (4) of the statutes is amended to read:

9 769.101 (4) "Home state" means the state or foreign country in which a child
10 lived with a parent or a person acting as parent for at least 6 consecutive months
11 immediately preceding the time of the filing of a petition or comparable pleading for
12 support or, if a child is less than 6 months old, the state or foreign country in which
13 the child lived from birth with any of them. A period of temporary absence of any of
14 them is counted as part of the 6-month or other period.

History: 1993 a. 326; 1997 a. 27.

15 SECTION 9. 769.101 (7) of the statutes is repealed.

16 SECTION 10. 769.101 (8) of the statutes is amended to read:

17 769.101 (8) "Initiating tribunal" means the authorized tribunal in an initiating
18 of a state or foreign country from which a petition or comparable pleading is
19 forwarded or in which a petition or comparable pleading is filed for forwarding to
20 another state or foreign country.

History: 1993 a. 326; 1997 a. 27.

21 SECTION 11. 769.101 (8m) of the statutes is created to read:

22 769.101 (8m) "Issuing foreign country" means the foreign country in which a
23 tribunal issues a support order or a judgment determining parentage of a child.

24 SECTION 12. 769.101 (9) of the statutes is amended to read:

1 769.101 (9) "Issuing state" means the state in which a tribunal issues a support
2 order or renders a judgment determining parentage of a child.✓

3 History: 1993 a. 326; 1997 a. 27.

3 **SECTION 13.** ✓ 769.101 (10) of the statutes is amended to read:

4 769.101 (10) "Issuing tribunal" means the tribunal of a state or foreign country
5 that issues a support order or renders a judgment determining parentage of a child.✓

6 History: 1993 a. 326; 1997 a. 27.

6 **SECTION 14.** ✓ 769.101 (12) (a) of the statutes is amended to read:

7 769.101 (12) (a) An individual to whom a duty of support is or is alleged to be
8 owed or in whose favor a support order ~~has been issued~~ or a judgment determining
9 parentage of a child has been rendered issued.✓

10 History: 1993 a. 326; 1997 a. 27.

10 **SECTION 15.** ✓ 769.101 (12) (b) of the statutes is amended to read:

11 769.101 (12) (b) A foreign country, state, or political subdivision of a state✓
12 which the rights under a duty of support or support order have been assigned or
13 which has independent claims based on financial assistance provided to an
14 individual obligee in place of child support.✓

15 History: 1993 a. 326; 1997 a. 27.

15 **SECTION 16.** ✓^ 769.101 (12) (d) of the statutes is created to read:

16 769.101 (12) (d) A person that is a creditor in a proceeding under subch. VII.✓

17 **SECTION 17.** ✓ 769.101 (13) (d) of the statutes is created to read:

18 769.101 (13) (d) The individual or decedent is a debtor in a proceeding under
19 subch. VII.✓

20 **SECTION 18.** ✓^ 769.101 (13m) of the statutes is created to read:

21 769.101 (13m) "Outside this state" means a location in another state or a
22 country other than the United States, whether or not the country is a foreign country.✓

23 **SECTION 19.** ✓^ 769.101 (13r) of the statutes is created to read:

1 769.101 (13r) "Record" means information that is inscribed on a tangible
2 medium or that is stored in an electronic or other medium and is retrievable in a
3 perceivable form.✓

4 **SECTION 20.** ✓ 769.101 (14) of the statutes is amended to read:

5 769.101 (14) "Register" means to file in a tribunal of this state a support order
6 or judgment determining parentage ~~with the clerk of court of a child issued in~~
7 another state or a foreign country.✓

8 History: 1993 a. 326; 1997 a. 27.

8 **SECTION 21.** ✓ 769.101 (15) of the statutes is amended to read:

9 769.101 (15) "Registering tribunal" means a tribunal in which a support order
10 or judgment determining parentage of a child is registered.✓

11 History: 1993 a. 326; 1997 a. 27.

11 **SECTION 22.** ✓ 769.101 (16) of the statutes is amended to read:

12 769.101 (16) "Responding state" means a state in which a proceeding petition
13 or comparable pleading✓ for support or to determine parentage of a child is filed or to
14 which a proceeding petition or comparable pleading✓ is forwarded for filing from an
15 ~~initiating another state under this chapter or a law substantially similar to this~~
16 ~~chapter, or under a law or procedure substantially similar to the Uniform Reciprocal~~
17 ~~Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of~~
18 ~~Support Act~~ or a foreign country.✓

19 History: 1993 a. 326; 1997 a. 27.

19 **SECTION 23.** ✓ 769.101 (17) of the statutes is amended to read:

20 769.101 (17) "Responding tribunal" means the authorized tribunal in a
21 responding state or foreign country.✓

22 History: 1993 a. 326; 1997 a. 27.

22 **SECTION 24.** ✓ 769.101 (19) (intro.) and (a) of the statutes are consolidated,

23 renumbered 769.101 (19) and amended to read:

1 769.101 (19) "State" means a state of the United States, the District of
2 Columbia, the Commonwealth of Puerto Rico, or any territory or insular possession
3 subject to the jurisdiction of the United States. "State" includes all of the following:

4 ~~(a) An an Indian nation or tribe.~~✓

History: 1993 a. 326; 1997 a. 27.

5 **SECTION 25.** ✓ 769.101 (19) (b) of the statutes is repealed.✓

6 **SECTION 26.** ✓ 769.101 (20) (intro.) of the statutes is amended to read:

7 769.101 (20) (intro.) "Support enforcement agency" means a public official,
8 governmental entity, or private agency authorized to seek do any of the following:✓

History: 1993 a. 326; 1997 a. 27.

9 **SECTION 27.** ✓ 769.101 (20) (a) of the statutes is amended to read:

10 769.101 (20) (a) ~~Enforcement~~ Seek enforcement of support orders or laws
11 relating to the duty of support.✓

History: 1993 a. 326; 1997 a. 27.

12 **SECTION 28.** ✓ 769.101 (20) (b) of the statutes is amended to read:

13 769.101 (20) (b) ~~Establishment~~ Seek establishment or modification of child
14 support.✓

History: 1993 a. 326; 1997 a. 27.

15 **SECTION 29.** ✓ 769.101 (20) (c) of the statutes is amended to read:

16 769.101 (20) (c) ~~Determination~~ Request determination of parentage of a child.✓

History: 1993 a. 326; 1997 a. 27.

17 **SECTION 30.** ✓ 769.101 (20) (d) of the statutes is amended to read:

18 769.101 (20) (d) ~~Location of~~ Attempt to locate obligors or their assets.✓

History: 1993 a. 326; 1997 a. 27.

19 **SECTION 31.** ✓ 769.101 (20) (e) of the statutes is created to read:

20 769.101 (20) (e) Request determination of the controlling child support order.✓

21 **SECTION 32.** ✓ 769.101 (21) of the statutes is amended to read:

22 769.101 (21) "Support order" means a judgment, decree ~~or~~, order, decision, or
23 directive, whether temporary, final, or subject to modification, issued in a state or

1 foreign country for the benefit of a child, a spouse, or a former spouse, that provides
2 for monetary support, health care, arrearages, retroactive support, or
3 reimbursement, ~~and that~~ for financial assistance provided to an individual obligee
4 in place of child support. ✓ “Support order” may include related costs and fees, interest,
5 income withholding, automatic adjustment, reasonable attorney fees, and other
6 relief. ✓

History: 1993 a. 326; 1997 a. 27. ✓

7 **SECTION 33.** 769.101 (22) of the statutes is amended to read:

8 769.101 (22) “Tribunal” means a court, administrative agency, or
9 quasi-judicial entity authorized to establish, enforce, or modify support orders or to
10 determine parentage ~~in this state or in an issuing or responding state~~ of a child. ✓

History: 1993 a. 326; 1997 a. 27. ✓

11 **SECTION 34.** 769.102 (title) of the statutes is repealed and recreated to read:

12 **769.102 (title) State tribunal and support enforcement agency.** ✓

13 **SECTION 35.** 769.[^]102 of the statutes is renumbered 769.102 (1). ✓

14 **SECTION 36.** 769.[^]102 (2) of the statutes is created to read:

15 769.102 (2) The department of children and families and county child support
16 agencies under s. 59.53 (5) ✓ are the support enforcement agencies of this state. ✓

17 **SECTION 37.** 769.[^]103 of the statutes is renumbered 769.103 (1). ✓

18 **SECTION 38.** 769.[^]103 (2) of the statutes is created to read:

19 769.103 (2) This chapter does not do any of the following: ✓

20 (a) Provide the exclusive method of establishing or enforcing a support order
21 under the law of this state. ✓

22 (b) Grant a tribunal of this state jurisdiction to render judgment or issue an
23 order relating to legal custody or physical placement of a child in a proceeding under
24 this chapter. ✓

1 **SECTION 39.** 769.¹⁰⁵ of the statutes is created to read:

2 **769.105 Application of chapter to resident of foreign country and**
3 **foreign support proceeding.** (1) A tribunal of this state shall apply subchs. I to
4 VI[✓] and, as applicable, subch. VII[✓], to a support proceeding that involves any of the
5 following:

6 (a) A foreign support order.[✓]

7 (b) A foreign tribunal.[✓]

8 (c) An obligee, obligor, or child residing in a foreign country.[✓]

9 (2) A tribunal of this state that is requested to recognize and enforce a support
10 order on the basis of comity may apply the procedural and substantive provisions of
11 subchs. I to VI.[✓]

12 (3) Subchapter VII[✓] applies only to a support proceeding under the convention.[✓]
13 In such a proceeding, if a provision of subch. VII[✓] is inconsistent with subchs. I to VI,
14 subch. VII controls.[✓]

15 **SECTION 40.** 769.201 of the statutes is renumbered 769.201 (1m), and 769.201
16 (1m) (intro.) and (g), as renumbered, are amended to read:

17 769.201 (1m) (intro.) In a proceeding ~~under this chapter~~ to establish, or enforce
18 ~~or modify~~ a support order or to determine parentage of a child, a tribunal of this state
19 may exercise personal jurisdiction over a nonresident individual, or the individual's
20 guardian or conservator, if any of the following applies:[✓]

21 (g) The individual asserted parentage of a child in a declaration of paternal
22 interest filed with the department of children and families under s. 48.025 or in a
23 statement acknowledging paternity filed with the state registrar under s. 69.15 (3)

24 (b) 1. or 3.[✓]

1 [^]
SECTION 41. 769.201 (2m) of the statutes is created to read:

2 769.201 (2m) The bases of personal jurisdiction set forth in sub. (1m)✓ or in any
3 other law of this state may not be used to acquire personal jurisdiction for a tribunal
4 of this state to modify a child support order of another state unless the requirements
5 of s. 769.611✓ are met or, in the case of a foreign support order, unless the requirements
6 of s. 769.615✓ are met.✓

7 **SECTION 42.** 769.202 of the statutes is repealed and recreated to read:

8 **769.202 Duration of personal jurisdiction.** Personal jurisdiction acquired
9 by a tribunal of this state in a proceeding under this chapter or other law of this state
10 relating to a support order continues as long as a tribunal of this state has
11 continuing, exclusive jurisdiction to modify its order or continuing jurisdiction to
12 enforce its order as provided by ss. 769.205, 769.206, and 769.211.✓

13 **SECTION 43.** 769.203 of the statutes is amended to read:

14 **769.203 Initiating and responding tribunal of this state.** Under this
15 chapter, a tribunal of this state may serve as an initiating tribunal to forward
16 proceedings to a tribunal of another state and as a responding tribunal for
17 proceedings initiated in another state or a foreign country.✓

18 History: 1993 a. 326.

SECTION 44. 769.204 (title) of the statutes is amended to read:

19 **769.204 (title) Simultaneous proceedings in another state.**✓

20 History: 1993 a. 326.

SECTION 45. 769.204 (1) (intro.) of the statutes is amended to read:

21 769.204 (1) (intro.) A tribunal of this state may exercise jurisdiction to
22 establish a support order if the petition or comparable pleading is filed after a

petition or comparable pleading is filed in another state or a foreign country only if
all of the following apply:✓

History: 1993 a. 326.

SECTION 46. 769.204 (1) (a) of the statutes is amended to read:

769.204 (1) (a) The petition or comparable pleading in this state is filed before
the expiration of the time allowed in the other state or the foreign country for filing
a responsive pleading challenging the exercise of jurisdiction by the other state or the
foreign country.✓✓

History: 1993 a. 326.

SECTION 47. 769.204 (1) (b) of the statutes is amended to read:

769.204 (1) (b) The contesting party timely challenges the exercise of
jurisdiction in the other state or the foreign country.✓✓

History: 1993 a. 326.

SECTION 48. 769.204 (2) (intro.) of the statutes is amended to read:

769.204 (2) (intro.) A tribunal of this state may not exercise jurisdiction to
establish a support order if the petition or comparable pleading is filed before a
petition or comparable pleading is filed in another state or a foreign country if all of
the following apply:✓

History: 1993 a. 326.

SECTION 49. 769.204 (2) (a) of the statutes is amended to read:

769.204 (2) (a) The petition or comparable pleading in the other state or foreign
country is filed before the expiration of the time allowed in this state for filing a
responsive pleading challenging the exercise of jurisdiction by this state.✓

History: 1993 a. 326.

SECTION 50. 769.204 (2) (c) of the statutes is amended to read:

769.204 (2) (c) If relevant, the other state or foreign country is the home state
of the child.✓

History: 1993 a. 326.

SECTION 51. 769.205 of the statutes is repealed and recreated to read:

1 **769.205 Continuing, exclusive jurisdiction to modify child support**
2 **order. (1)** A tribunal of this state that has issued a child support order consistent
3 with the law of this state has and shall exercise continuing, exclusive jurisdiction to
4 modify its child support order if the order is the controlling order and any of the
5 following applies:✓

6 (a) At the time of the filing of a request for modification this state is the
7 residence of the obligor, the individual obligee, or the child for whose benefit the
8 support order is issued.✓

9 (b) Even if this state is not the residence of the obligor, the individual obligee,
10 or the child for whose benefit the support order is issued, the parties consent in a
11 record or in open court that the tribunal of this state may continue to exercise
12 jurisdiction to modify its order.✓

13 **(2)** A tribunal of this state that has issued a child support order consistent with
14 the law of this state may not exercise continuing, exclusive jurisdiction to modify the
15 order if any of the following applies:

16 (a) All of the parties who are individuals file consent in a record with the
17 tribunal of this state that a tribunal of another state that has jurisdiction over at
18 least one of the parties who is an individual or that is located in the state of residence
19 of the child may modify the order and assume continuing, exclusive jurisdiction.✓

20 (b) Its order is not the controlling order.✓

21 **(3)** If a tribunal of another state has issued a child support order pursuant to
22 the Uniform Interstate Family Support Act or a law substantially similar to that act
23 that modifies a child support order of a tribunal of this state, tribunals of this state
24 shall recognize the continuing, exclusive jurisdiction of the tribunal of the other
25 state.✓

1 (4) A tribunal of this state that lacks continuing, exclusive jurisdiction to
2 modify a child support order may serve as an initiating tribunal to request a tribunal
3 of another state to modify a support order issued in that state.✓

4 (5) A temporary support order issued ex parte or pending resolution of a
5 jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing
6 tribunal.✓

7 **SECTION 52.** 769.206 of the statutes is repealed and recreated to read:

8 **769.206 Continuing jurisdiction to enforce child support order.** (1) A
9 tribunal of this state that has issued a child support order consistent with the law
10 of this state may serve as an initiating tribunal to request a tribunal of another state
11 to enforce any of the following:✓

12 (a) The order, if the order is the controlling order and has not been modified by
13 a tribunal of another state that assumed jurisdiction pursuant to the Uniform
14 Interstate Family Support Act.✓

15 (b) A money judgment for arrears of support and interest on the order that
16 accrued before a determination that an order of a tribunal of another state is the
17 controlling order.✓

18 (2) A tribunal of this state having continuing jurisdiction over a support order
19 may act as a responding tribunal to enforce the order.✓

20 **SECTION 53.** 769.207 (title) of the statutes is amended to read:

21 **769.207 (title) Recognition Determination of controlling child support**
22 **order.**✓

23 History: 1993 a. 326; 1997 a. 27.

SECTION 54. 769.207 (1m) (intro.) of the statutes is amended to read:

1 769.207 (1m) (intro.) If a proceeding is brought under this chapter, and 2 or
2 more child support orders have been issued by tribunals of this state ~~or, another~~
3 state, or a foreign country with regard to the same obligor and child, a tribunal of this
4 state having personal jurisdiction over both the obligor and individual obligee shall
5 apply the following rules ~~in determining and by order shall determine~~ which child
6 support order ~~to recognize for purposes of continuing, exclusive jurisdiction controls~~
7 and must be recognized.✓

History: 1993 a. 326; 1997 a. 27.

8 **SECTION 55.** 769.207 (1m) (a) of the statutes is amended to read:

9 769.207 (1m) (a) If only one of the tribunals would have continuing, exclusive
10 jurisdiction under this chapter, the child support order of that tribunal ~~is controlling~~
11 and must be recognized controls.✓

History: 1993 a. 326; 1997 a. 27.

12 **SECTION 56.** 769.207 (1m) (b) of the statutes is amended to read:

13 769.207 (1m) (b) If more than one of the tribunals would have continuing,
14 exclusive jurisdiction under this chapter, a child support order issued by a tribunal
15 in the current home state of the child ~~must be recognized, but controls, or, if a child~~
16 support order has not been issued in the current home state of the child, the child
17 support order most recently issued ~~is controlling and must be recognized controls.~~✓

History: 1993 a. 326; 1997 a. 27.

18 **SECTION 57.** 769.207 (1m) (c) of the statutes is amended to read:

19 769.207 (1m) (c) If none of the tribunals would have continuing, exclusive
20 jurisdiction under this chapter, the tribunal of this state ~~having jurisdiction over the~~
21 parties ~~must~~ shall issue a child support order, which ~~is controlling and must be~~
22 recognized controls.✓

History: 1993 a. 326; 1997 a. 27.

23 **SECTION 58.** 769.207 (1r) of the statutes is amended to read:

1 769.207 (1r) If 2 or more child support orders have been issued for the same
2 obligor and same child and if the obligor or the individual obligee resides in this state,
3 a party may request a tribunal of this state to, upon the request of a party who is an
4 individual or that is a support enforcement agency, a tribunal of this state having
5 personal jurisdiction over both the obligor and the obligee who is an individual shall
6 determine which child support order controls ~~and must be recognized~~ under sub.
7 (1m).[✓] The request may be filed with a registration for enforcement[✓] or registration
8 for modification under subch. VI,[✓] or may be filed as a separate proceeding.[✓]

9 (1t) A request to determine which is the controlling child support order must
10 be accompanied by a ~~certified~~ copy of every child support order issued for the obligor
11 and child that is in effect. ~~Every~~ and the applicable record of payments. The
12 requesting party shall give each party whose rights may be affected by a
13 determination of which child support order controls ~~must be given~~ notice of the
14 request for that determination.[✓]

History: 1993 a. 326; 1997 a. 27.

15 **SECTION 59.** 769.207 (2) of the statutes is amended to read:

16 769.207 (2) The tribunal that issued the order that is controlling ~~and must be~~
17 ~~recognized~~ under sub. (1c), (1m), or (1r) ~~is the tribunal that has continuing, exclusive~~
18 ~~jurisdiction in accordance with~~ to the extent provided in s. 769.205 or 769.206.[✓]

History: 1993 a. 326; 1997 a. 27.

19 **SECTION 60.** 769.207 (3) of the statutes is renumbered 769.207 (3) (intro.) and
20 amended to read:

21 769.207 (3) ^(intro) A tribunal of this state that determines by order which child
22 support order is controlling under sub. (1m) (a) or (b) or (1r),[✓] or that issues a new child
23 support order that is controlling under sub. (1m) (c), shall ~~include~~ state in that order
24 the all of the following.[✓]

1 (a) The basis upon which the tribunal made its determination.✓

History: 1993 a. 326; 1997 a. 27.

2 **SECTION 61.** 769.207 (3) (b) of the statutes is created to read:

3 769.207 (3) (b) The amount of prospective support, if any.✓

4 **SECTION 62.** 769.207 (3) (c) of the statutes is created to read:

5 769.207 (3) (c) The total amount of consolidated arrears and accrued interest,
6 if any, under all of the orders after all payments made are credited as provided by s.
7 769.209.✓

8 **SECTION 63.** 769.207[^] (5) of the statutes is created to read:

9 769.207 (5) An order that has been determined to be the controlling child
10 support order, or a judgment for consolidated arrears of support and interest, if any,
11 made under this section,✓ must be recognized in proceedings under this chapter.✓

12 **SECTION 64.** 769.208 of the statutes is amended to read:

13 **769.208 Multiple-child Child support orders for 2 or more obligees.** In
14 responding to ~~multiple~~ registrations or petitions for enforcement of 2 or more child
15 support orders in effect at the same time with regard to the same obligor and
16 different individual obligees, at least one of which was issued by a tribunal of another
17 state or a foreign country, a tribunal of this state shall enforce those orders in the
18 same manner as if the ~~multiple~~ orders had been issued by a tribunal of this state.✓

History: 1993 a. 326.

19 **SECTION 65.** 769.209 of the statutes is amended to read:

20 **769.209 Credit for payments.** ~~Amounts~~ A tribunal of this state shall credit

21 ~~amounts~~ collected and credited for a particular period pursuant to ~~a~~ ^{↖ strike spaces} any child

22 support order issued by a tribunal of another state ~~must be credited~~ against the

23 amounts ~~accruing or accrued~~ owed for the same period under ~~a~~ ^{↖ strike spaces} any other child

1 support order for support of the same child issued by the a tribunal of this state,
2 another state, or a foreign country.✓

3 History: 1993 a. 326.

SECTION 66. 769.210 of the statutes is created to read:

4 **769.210 Application of act to nonresident subject to personal**
5 **jurisdiction.** A tribunal of this state exercising personal jurisdiction over a
6 nonresident in a proceeding under this chapter,✓ under other law of this state relating
7 to a support order, or recognizing a foreign support order may receive evidence from
8 outside this state pursuant to s. 769.316,✓ communicate with a tribunal outside this
9 state pursuant to s. 769.317,✓ and obtain discovery through a tribunal outside this
10 state pursuant to s. 769.318.✓ In all other respects, subchs. III to VI do not apply, and
11 the tribunal shall apply the procedural and substantive law of this state.✓

12 SECTION 67. 769.211 of the statutes is created to read:

13 **769.211 Continuing, exclusive jurisdiction to modify spousal support**
14 **order. (1)** A tribunal of this state issuing a spousal support order consistent with
15 the law of this state has continuing, exclusive jurisdiction to modify the spousal
16 support order throughout the existence of the support obligation.✓

17 **(2)** A tribunal of this state may not modify a spousal support order issued by
18 a tribunal of another state or a foreign country having continuing, exclusive
19 jurisdiction over that order under the law of that state or foreign country.✓

20 **(3)** A tribunal of this state that has continuing, exclusive jurisdiction over a
21 spousal support order may serve as any of the following:

22 **(a)** An initiating tribunal to request a tribunal of another state to enforce the
23 spousal support order issued in this state.✓

24 **(b)** A responding tribunal to enforce or modify its own spousal support order.✓

1 [^]
SECTION 68. 769.301 (2) of the statutes is repealed.✓

2 **SECTION 69.** 769.301 (3) of the statutes is amended to read:

3 769.301 (3) An individual petitioner or a support enforcement agency may
4 commence a proceeding authorized under this chapter by filing a petition in an
5 initiating tribunal for forwarding to a responding tribunal or by filing a petition or
6 a comparable pleading directly in a tribunal of another state or a foreign country that
7 has or can obtain personal jurisdiction over the respondent.✓

History: 1993 a. 326.

8 **SECTION 70.** 769.302 of the statutes is amended to read:

9 **769.302 Action by minor parent.** A minor parent, or a guardian or other
10 legal representative of a minor parent, may maintain a proceeding on behalf of or for
11 the benefit of the minor's child. ~~Notwithstanding s. 767.407 (1) or 803.01 (3), the~~
12 ~~court may appoint a guardian ad litem for the minor's child, but the court need not~~
13 ~~appoint a guardian ad litem for a minor parent who maintains such a proceeding~~
14 ~~unless the proceeding is one for the determination of parentage, in which case the~~
15 ~~court or a circuit court commissioner shall appoint a guardian ad litem for a minor~~
16 ~~parent within this state who maintains such a proceeding or for a minor within this~~
17 ~~state who is alleged to be a parent, as provided in s. 767.82 (1).~~✓

History: 1993 a. 326; 2001 a. 61; 2005 a. 443 s. 265.

18 **SECTION 71.** 769.304 (1) of the statutes is amended to read:

19 769.304 (1) Upon the filing of a petition authorized by this chapter, an
20 initiating tribunal of this state shall forward ~~3 copies of~~ the petition and its
21 accompanying documents to the responding tribunal or appropriate support
22 enforcement agency in the responding state, or, if the identity of the responding
23 tribunal is unknown, to the state information agency of the responding state with a

1 request that they be forwarded to the appropriate tribunal and that receipt be
2 acknowledged.✓

3 History: 1993 a. 326; 1997 a. 27.

SECTION 72. 769.304 (2) of the statutes is amended to read:

4 769.304 (2) If [↓]a responding state has not enacted this chapter or a law or
5 procedure substantially similar to this chapter requested by the responding
6 tribunal, a tribunal of this state may shall issue a certificate or other documents and
7 make findings required by the law of the responding state. If the responding state
8 tribunal is in a foreign jurisdiction, country, upon request the tribunal may of this
9 state shall specify the amount of support sought, convert that amount into the
10 equivalent amount in the foreign currency under the applicable official or market
11 exchange rate as publicly reported, and provide any other documents necessary to
12 satisfy the requirements of the responding state foreign tribunal.✓

13 History: 1993 a. 326; 1997 a. 27.

SECTION 73. 769.305 (1) of the statutes is amended to read:

14 769.305 (1) Whenever a responding tribunal of this state receives a petition or
15 comparable pleading from an initiating tribunal or directly under s. 769.301 (3), it
16 shall cause the petition or pleading to be filed and notify the petitioner, ~~or if the~~
17 ~~petition was filed by a support enforcement agency, notify the support enforcement~~
18 ~~agency by any federally approved transmittal system~~, where and when it was filed.✓

19 History: 1993 a. 326; 1995 a. 225; 1997 a. 27.

SECTION 74. 769.305 (2) (intro.) of the statutes is amended to read:

20 769.305 (2) (intro.) A responding tribunal of this state, to the extent otherwise
21 authorized not prohibited by other law, may do any of the following:✓

22 History: 1993 a. 326; 1995 a. 225; 1997 a. 27.

SECTION 75. 769.305 (2) (a) of the statutes is amended to read:

1 769.305 (2) (a) ~~Issue~~ Establish or enforce a support order, modify a child
2 support order, determine the controlling child support order, or ~~render a judgment~~
3 to determine parentage of a child. ✓

History: 1993 a. 326; 1995 a. 225; 1997 a. 27.

4 **SECTION 76.** 769.305 (2) (b) of the statutes is amended to read:

5 769.305 (2) (b) Order an obligor to comply with a support order, specifying the
6 amount and the manner of compliance. ✓

History: 1993 a. 326; 1995 a. 225; 1997 a. 27.

7 **SECTION 77.** 769.305 (2) (h) of the statutes is amended to read:

8 769.305 (2) (h) Order an obligor to keep the tribunal informed of the obligor's
9 current residential address, ~~electronic~~ ^{g-mail} mail address, telephone number, employer,
10 address of employment, and telephone number at the place of employment. ✓

History: 1993 a. 326; 1995 a. 225; 1997 a. 27. ^

11 **SECTION 78.** 769.305 (6) of the statutes is created to read:

12 769.305 (6) If requested to enforce a support order, arrears, or judgment or
13 modify a support order stated in a foreign currency, a responding tribunal of this
14 state shall convert the amount stated in the foreign currency to the equivalent
15 amount in dollars under the applicable official or market exchange rate as publicly
16 reported. ✓

17 **SECTION 79.** 769.306 of the statutes is amended to read:

18 **769.306 Inappropriate tribunal.** If a petition or comparable pleading is
19 received by an inappropriate tribunal of this state, it the tribunal shall forward the
20 pleading and accompanying documents to an appropriate tribunal ~~in~~ of this state or
21 another state and notify the petitioner, ~~or if the petition was filed by a support~~
22 ~~enforcement agency, notify the support enforcement agency by any federally~~
23 ~~approved transmittal system~~, where and when the pleading was sent. ✓

History: 1993 a. 326; 1997 a. 27.

****NOTE: Alternative A is s. 769.307 (1) in current law.

1 **SECTION 80.** 769.307 (1) of the statutes is renumbered 769.307 (1) (intro.) and
2 amended to read:

3 769.307 (1) (intro.) A In a proceeding under this chapter, a support enforcement
4 agency of this state, upon request, ~~shall;~~

5 (a) Shall provide services to a petitioner in a proceeding under this chapter
6 residing in a state.

History: 1993 a. 326; 1997 a. 27.

7 **SECTION 81.** 769.307 (1) (b) of the statutes is created to read:

8 769.307 (1) (b) Shall provide services to a petitioner requesting services
9 through a central authority of a foreign country as described in s. 769.101 (3c) (a) or
10 (d).

11 **SECTION 82.** 769.307 (1) (c) of the statutes is created to read:

12 769.307 (1) (c) May provide services to a petitioner who is an individual not
13 residing in a state.

****NOTE: Alternative B is s. 769.307 (1) (intro.), (a), (b), and (c) above.

14 **SECTION 83.** 769.307 (2) (intro.) of the statutes is amended to read:

15 769.307 (2) (intro.) A support enforcement agency of this state that is providing
16 services to the petitioner shall do all of the following as appropriate:✓

History: 1993 a. 326; 1997 a. 27.

17 **SECTION 84.** 769.307 (2) (a) of the statutes is amended to read:

18 769.307 (2) (a) Take all steps necessary to enable an appropriate tribunal ~~in~~
19 of this state or, another state, or a foreign country to obtain jurisdiction over the
20 respondent.✓

History: 1993 a. 326; 1997 a. 27.

21 **SECTION 85.** 769.307 (2) (d) of the statutes is amended to read:

1 769.307 (2) (d) Within ~~10~~ 2 days, exclusive of Saturdays, Sundays, and legal
2 holidays, after receipt of ~~a written~~ notice in a record from an initiating, responding,
3 or registering tribunal, send a copy of the notice to the petitioner.✓

History: 1993 a. 326; 1997 a. 27.

4 **SECTION 86.** 769.307 (2) (e) of the statutes is amended to read:

5 769.307 (2) (e) Within ~~10~~ 2 days, exclusive of Saturdays, Sundays, and legal
6 holidays, after receipt of ~~a written~~ communication in a record from the respondent
7 or the respondent's attorney, send a copy of the communication to the petitioner.✓

History: 1993 a. 326; 1997 a. 27.

8 **SECTION 87.** [^]769.307 (3) of the statutes is renumbered 769.307 (6) and amended
9 to read:

10 769.307 (6) This chapter does not create or negate a relationship of attorney
11 and client or other fiduciary relationship between a support enforcement agency or
12 the attorney for the agency and the individual being assisted by the agency ~~nor does~~
13 ~~this chapter affect an attorney-client relationship or a fiduciary relationship that~~
14 ~~arises under other law.~~✓

History: 1993 a. 326; 1997 a. 27.

15 **SECTION 88.** 769.307 (3m) of the statutes is created to read:

16 769.307 (3m) A support enforcement agency of this state that requests
17 registration of a child support order in this state for enforcement or for modification
18 shall make reasonable efforts to do either of the following:

19 (a) Ensure that the order to be registered is the controlling order.✓

20 (b) If 2 or more child support orders exist and the identity of the controlling
21 order has not been determined, ensure that a request for such a determination is
22 made in a tribunal having jurisdiction to do so.✓

23 [^]**SECTION 89.** 769.307 (4) of the statutes is created to read:

1 769.307 (4) A support enforcement agency of this state that requests
2 registration and enforcement of a support order, arrears, or judgment stated in a
3 foreign currency shall convert the amounts stated in the foreign currency into the
4 equivalent amounts in dollars under the applicable official or market exchange rate
5 as publicly reported.✓

6 **SECTION 90.** 769.307 (5) of the statutes is created to read:

7 769.307 (5) A support enforcement agency of this state shall issue or request
8 a tribunal of this state to issue a child support order and an income-withholding
9 order that redirect payment of current support, arrears, and interest if requested to
10 do so by a support enforcement agency of another state under s. 769.319.✓

11 **SECTION 91.** 769.308 of the statutes is renumbered 769.308 (1).✓

12 **SECTION 92.** 769.308 (2) of the statutes is created to read:

13 769.308 (2) The attorney general may determine that a foreign country has
14 established a reciprocal arrangement for child support with this state and take
15 appropriate action for notification of the determination.✓

16 **SECTION 93.** 769.31 (2) (b) of the statutes is amended to read:

17 769.31 (2) (b) Maintain a register of names and addresses of tribunals and
18 support enforcement agencies received from other states.✓

19 History: 1993 a. 326; 1995 a. 27 s. 9126 (19); 1995 a. 404; 1997 a. 3; 2007 a. 20.

20 **SECTION 94.** 769.31 (2) (c) of the statutes is amended to read:

21 769.31 (2) (c) Forward to the appropriate tribunal in the ~~place~~ county in this
22 state in which the ~~individual~~ obligee who is an individual or the obligor resides, or
in which the obligor's property is believed to be located, all documents concerning a

proceeding under this chapter received from ~~an initiating tribunal or the state~~
~~information agency of the initiating another state or a foreign country.~~✓

History: 1993 a. 326; 1995 a. 27 s. 9126 (19); 1995 a. 404; 1997 a. 3; 2007 a. 20.

SECTION 95. 769.311 (1) of the statutes is amended to read:

④ 769.311 (1) ↓ ↓ ~~A~~ In a proceeding under this chapter, a petitioner seeking to
establish or modify a support order or, to determine parentage in a proceeding under
this chapter of a child, or to register and modify a support order of a tribunal of
another state or a foreign country must verify the file a petition. Unless otherwise
ordered under s. 769.312, the petition or accompanying documents must provide, so
far as known, the names, residential addresses, and social security numbers and
dates of birth of the obligor and the obligee or the parent and alleged parent, and the
name, sex, residential address, social security number, and date of birth of each child
for whom whose benefit support is sought. The or whose parentage is to be
determined.✓ Unless filed at the time of registration, the petition must be
accompanied by a certified copy of any support order in effect known to have been
issued by another tribunal. The petition may include any other information that may
assist in locating or identifying the respondent.✓

History: 1993 a. 326.

SECTION 96. 769.312 of the statutes is amended to read:

769.312 Nondisclosure of information in exceptional circumstances.

~~Upon a finding, which may be made ex parte, If a party alleges in an affidavit or a~~
~~pleading under oath that the health, safety, or liberty of a party or child would be~~
~~unreasonably put at risk jeopardized by the disclosure of specific identifying~~
~~information, or if an existing order so provides, a tribunal shall order that the~~
~~address of the child or party or other identifying that information must be sealed and~~
~~may not be disclosed in a pleading or other document filed in a proceeding under this~~

1 chapter to the other party or the public. ✓ After a hearing in which a tribunal takes
2 into consideration the health, safety, or liberty of the party or child, the tribunal may
3 order disclosure of information that the tribunal determines to be in the interest of
4 justice. ✓

History: 1993 a. 326.

5 **SECTION 97.** 769.313 (2) of the statutes is amended to read:

6 769.313 (2) If an obligee prevails, a responding tribunal of this state may assess
7 against an obligor filing fees, reasonable attorney fees, other costs, and necessary
8 travel and other reasonable expenses incurred by the obligee and the obligee's
9 witnesses. The tribunal may not assess fees, costs, or expenses against the obligee
10 or the support enforcement agency of either the initiating or the responding state or
11 foreign country, except as provided by other law. Attorney fees may be taxed as costs
12 and may be ordered paid directly to the attorney, who may enforce the order in the
13 attorney's own name. Payment of support owed to the obligee has priority over fees,
14 costs, and expenses. ✓

History: 1993 a. 326.

15 **SECTION 98.** 769.314 (1) of the statutes is amended to read:

16 769.314 (1) Participation by a petitioner in a proceeding under this chapter
17 before a responding tribunal, whether in person, by private attorney, or through
18 services provided by the support enforcement agency, does not confer personal
19 jurisdiction over the petitioner in another proceeding. ✓

History: 1993 a. 326.

20 **SECTION 99.** 769.314 (3) of the statutes is amended to read:

21 769.314 (3) The immunity granted by this section does not extend to civil
22 litigation based on acts unrelated to a proceeding under this chapter committed by
23 a party while physically present in this state to participate in the proceeding. ✓

History: 1993 a. 326.

1 **SECTION 100.** 769.316 (1) of the statutes is amended to read:

2 769.316 (1) The physical presence of ~~the petitioner~~ a nonresident party who is
3 an individual in a responding tribunal of this state is not required for the
4 establishment, enforcement, or modification of a support order or the rendition of a
5 judgment determining parentage of a child.✓

6 History: 1993 a. 326; 1995 a. 27.

6 **SECTION 101.** 769.316 (2) of the statutes is amended to read:

7 769.316 (2) ~~A verified petition,~~ An affidavit, a document substantially
8 complying with federally mandated forms, or a document incorporated by reference
9 in any of them, that would not be excluded under the hearsay rule if given in person,
10 is admissible in evidence if given under oath penalty of perjury by a party or witness
11 residing ~~in another~~ outside this state.✓

12 History: 1993 a. 326; 1995 a. 27.

12 **SECTION 102.** 769.316 (4) of the statutes is amended to read:

13 769.316 (4) Copies of bills for testing for parentage of a child, or for prenatal
14 and postnatal health care of the mother and child, or copies of reports of medical
15 assistance payments under subch. IV of ch. 49 for such testing or prenatal and
16 postnatal health care, furnished to the adverse party at least 10 days before trial, are
17 admissible in evidence to prove the amount of the charges billed or the amount of the
18 medical assistance paid and that the charges or payments were reasonable,
19 necessary, and customary.✓

20 History: 1993 a. 326; 1995 a. 27.

20 **SECTION 103.** 769.316 (5) of the statutes is amended to read:

21 769.316 (5) Documentary evidence transmitted from ~~another~~ outside this state
22 to a tribunal of this state by telephone, telecopier, or other electronic means that do

1 not provide an original ~~writing record~~ may not be excluded from evidence on an
2 objection based on the means of transmission.✓

History: 1993 a. 326; 1995 a. 27.

3 **SECTION 104.** 769.316 (6) of the statutes is amended to read:

4 769.316 (6) In a proceeding under this chapter, a tribunal of this state ~~may~~
5 shall permit a party or witness residing ~~in another~~ outside this state to be deposed
6 or to testify under penalty of perjury by telephone, audiovisual means, or other
7 electronic means at a designated tribunal or other location ~~in that state~~. A tribunal
8 of this state shall cooperate with other tribunals ~~of other states~~ in designating an
9 appropriate location for the deposition or testimony.✓

History: 1993 a. 326; 1995 a. 27.

10 **SECTION 105.** 769.316 (10) of the statutes is created to read:

11 769.316 (10) A voluntary acknowledgment of paternity, certified as a true copy,
12 is admissible to establish parentage of the child.✓

13 **SECTION 106.** 769.317 of the statutes is amended to read:

14 **769.317 Communications between tribunals.** A tribunal of this state may
15 communicate with a tribunal ~~of another~~ outside this state in ~~writing, a record~~ or by
16 telephone, electronic mail, or other means, to obtain information concerning the laws
17 ~~of that state~~, the legal effect of a judgment, decree, or order of that tribunal, and the
18 status of a proceeding ~~in the other state~~. A tribunal of this state may furnish similar
19 information by similar means to a tribunal ~~of another~~ outside this state.✓

History: 1993 a. 326.

20 **SECTION 107.** 769.318 (1) of the statutes is amended to read:

21 769.318 (1) Request a tribunal ~~of another~~ outside this state to assist in
22 obtaining discovery.✓

History: 1993 a. 326.

23 **SECTION 108.** 769.318 (2) of the statutes is amended to read:

1 769.318 (2) Upon request, compel a person over ~~whom~~ which it has jurisdiction
2 to respond to a discovery order issued by a tribunal of ~~another~~ outside this state. ✓

History: 1993 a. 326.

3 **SECTION 109.** 769.319 of the statutes is renumbered 769.319 (1) and amended
4 to read:

5 769.319 (1) A support enforcement agency, its designee, or a tribunal of this
6 state shall disburse promptly any amounts received under a support order, as
7 directed by the order. The agency, its designee, or the tribunal shall furnish to a
8 requesting party or tribunal of another state or a foreign country a certified
9 statement by the custodian of the record of the amounts and dates of all payments
10 received. ✓

History: 1993 a. 326; 1997 a. 27.

11 **SECTION 110.** 769.319 (2) of the statutes is created to read:

12 769.319 (2) If neither the obligor, nor the obligee who is an individual, nor the
13 child resides in this state, upon request from the support enforcement agency of this
14 state or another state, the support enforcement agency of this state or a tribunal of
15 this state shall do all of the following: ✓

16 (a) Direct that the support payment be made to the support enforcement agency
17 in the state in which the obligee is receiving services. ✓

18 (b) Issue and send to the obligor's employer a conforming income-withholding
19 order or an administrative notice of change of payee, reflecting the redirected
20 payments. ✓

21 **SECTION 111.** 769.319 (3) of the statutes is created to read:

22 769.319 (3) The support enforcement agency of this state receiving redirected
23 payments from another state under a law similar to sub. (2) ✓ shall furnish to a

1 requesting party or tribunal of the other state a certified statement by the custodian
2 of the record of the amount and dates of all payments received.✓

3 **SECTION 112.** Subchapter IV (title) of chapter 769 [precedes 769.401] of the
4 statutes is amended to read:

5 **CHAPTER 769**

6 **SUBCHAPTER IV**

7 **ESTABLISHMENT OF SUPPORT ORDER OR DETERMINATION OF**
8 **PARENTAGE**

9 **SECTION 113.** 769.401 (1) (intro.) of the statutes is amended to read:

10 769.401 (1) (intro.) If a support order entitled to recognition under this chapter
11 has not been issued, a responding tribunal of this state with personal jurisdiction
12 over the parties may issue a support order if any of the following applies:✓

13 History: 1993 a. 326.

SECTION 114. 769.401 (1) (a) of the statutes is amended to read:

14 769.401 (1) (a) The individual seeking the order resides ~~in another~~ outside this
15 state.✓

16 History: 1993 a. 326.

SECTION 115. 769.401 (1) (b) of the statutes is amended to read:

17 769.401 (1) (b) The support enforcement agency seeking the order is located ~~in~~
18 ~~another~~ outside this state.✓

19 History: 1993 a. 326.

SECTION 116. 769.401 (2) of the statutes is repealed and recreated to read:

20 769.401 (2) The tribunal may issue a temporary child support order if the
21 tribunal determines that such an order is appropriate and if the individual ordered
22 to pay is any of the following:✓

23 (a) A presumed father of the child.✓

24 (b) An individual who is petitioning to have his paternity adjudicated.✓

1 (c) An individual who has been identified as the father of the child through
2 genetic testing.✓

3 (d) An alleged father of the child who has declined to submit to genetic testing.✓

4 (e) An individual who has been shown by clear and convincing evidence to be
5 the father of the child.✓

6 (f) An individual who has acknowledged paternity of the child under s. 767.805.✓

7 (g) The mother of the child.✓

8 (h) An individual who has been ordered to pay child support in a previous
9 proceeding and the order has not been reversed or vacated.✓

10 **SECTION 117.** 769.402 of the statutes is created to read:

11 **769.402 Proceeding to determine parentage.** A tribunal of this state
12 authorized to determine parentage of a child may serve as a responding tribunal✓ in
13 a proceeding to determine parentage of a child brought under this chapter or a law
14 or procedure substantially similar to this chapter.✓

15 **SECTION 118.** Subchapter V (title) of chapter 769 [precedes 769.501] of the
16 statutes is amended to read:

17 **CHAPTER 769**

18 **SUBCHAPTER V**

19 **ENFORCEMENT OF SUPPORT ORDER OF ANOTHER STATE WITHOUT**
20 **REGISTRATION**✓

21 **SECTION 119.** 769.501 of the statutes is amended to read:

22 **769.501 Employer's receipt of income-withholding order of another**
23 **state.** An income-withholding order issued in another state may be sent by or on
24 behalf of the obligee, or by the support enforcement agency, to the obligor's employer

1 without first filing a petition or comparable pleading or registering the
2 income-withholding order with a tribunal of this state.✓

History: 1993 a. 326; 1997 a. 27.

3 **SECTION 120.** 769.505 of the statutes is amended to read:

4 **769.505 Penalties for noncompliance.** An employer that willfully fails to
5 comply with an income-withholding order issued by in another state and received
6 for enforcement is subject to the same penalties that may be imposed for
7 noncompliance with an income-withholding order issued by a tribunal of this state.✓

History: 1997 a. 27.

8 **SECTION 121.** 769.506 (1) of the statutes is amended to read:

9 769.506 (1) An obligor may contest the validity or enforcement of an
10 income-withholding order issued in another state and received directly by an
11 employer in this state by registering the order in a tribunal of this state and filing
12 a contest to that order as provided in subch. VI, or otherwise contesting the order in
13 the same manner as if the order had been issued by a tribunal of this state. Section
14 769.604 applies to the contest.✓

History: 1997 a. 27 ss. 5118 to 5120, 5125, 5126.

15 **SECTION 122.** 769.507 (1) of the statutes is amended to read:

16 769.507 (1) A party or support enforcement agency seeking to enforce a support
17 order or an income-withholding order, or both, issued ~~by a tribunal of~~ in another
18 state or a foreign support order may send the documents required for registering the
19 order to a support enforcement agency of this state.✓

History: 1997 a. 27.

20 **SECTION 123.** Subchapter VI (title) of chapter 769 [precedes 769.601] of the
21 statutes is amended to read:

22 **CHAPTER 769**

23 **SUBCHAPTER VI**

1 ENFORCEMENT REGISTRATION, ENFORCEMENT, AND MODIFICATION no #

2 OF

3 SUPPORT ORDER AFTER REGISTRATION

4 SECTION 124. 769.601 of the statutes is amended to read:

5 **769.601 Registration of order for enforcement.** A support order or an
6 income-withholding order issued by a tribunal of in another state or a foreign
7 support order may be registered in this state for enforcement. ✓

8 History: 1993 a. 326.

8 SECTION 125. 769.602 (1) (intro.) of the statutes is amended to read:

9 769.602 (1) (intro.) ^{strike extra spaces} ~~A~~ Except as provided in s. 769.706, a support order or
10 income-withholding order of another state or a foreign support order may be
11 registered in this state by sending all of the following documents and information
12 records to the appropriate tribunal in this state: ✓

13 History: 1993 a. 326.

13 SECTION 126. 769.602 (1) (c) of the statutes is amended to read:

14 769.602 (1) (c) A sworn statement by the party seeking person requesting
15 registration or a certified statement by the custodian of the records showing the
16 amount of any arrearage. ✓

17 History: 1993 a. 326.

17 SECTION 127. 769.602 (2) of the statutes is amended to read:

18 769.602 (2) On receipt of a request for registration, the registering tribunal
19 shall cause the order to be filed as [↓] ~~a foreign judgment~~ an order of another state or
20 a foreign country, together with one copy of the documents and information,
21 regardless of their form. ✓

22 History: 1993 a. 326.

22 SECTION 128. 769.602 (4) of the statutes is created to read:

1 769.602 (4) If 2 or more orders are in effect, the person requesting registration
2 must do all of the following:

3 (a) Furnish to the tribunal a copy of every support order that is asserted to be
4 in effect in addition to the documents specified in this section.✓

5 (b) Specify the order that is alleged to be the controlling order, if any.✓

6 (c) Specify the amount of the consolidated arrears, if any.✓

7 **SECTION 129.** 769.⁶02 (5) of the statutes is created to read:

8 769.602 (5) A request for a determination of which is the controlling order may
9 be filed separately or with a request for registration and enforcement or for
10 registration and modification. The person requesting registration shall give notice
11 of the request to each party whose rights may be affected by the determination.✓

12 **SECTION 130.** 769.603 (1) of the statutes is amended to read:

13 769.603 (1) A support order or income-withholding order issued in another
14 state or a foreign support order is registered when the order is filed in the registering
15 tribunal of this state.✓

16 History: 1993 a. 326.

16 **SECTION 131.** 769.603 (2) of the statutes is amended to read:

17 769.603 (2) A registered support order issued in another state or a foreign
18 country is enforceable in the same manner and is subject to the same procedures as
19 an order issued by a tribunal of this state.✓

20 History: 1993 a. 326.

20 **SECTION 132.** 769.603 (3) of the statutes is amended to read:

21 769.603 (3) Except as otherwise provided in this ~~subchapter~~ chapter,✓ a tribunal
22 of this state shall recognize and enforce, but may not modify, a registered support
23 order if the issuing tribunal had jurisdiction.✓

 History: 1993 a. 326.

1 **SECTION 133.** 769.604 (1) of the statutes is renumbered 769.604 (1) (intro.) and
2 amended to read:

3 769.604 (1) (intro.) The Except as otherwise provided in sub. (4), the law of the
4 issuing state or foreign country governs ~~the~~ all of the following:

5 (a) The nature, extent, amount, and duration of current payments ~~and other~~
6 ~~obligations of support and the~~ under a registered support order.

7 (b) The computation and payment of arrearages and accrual of interest on the
8 arrearages under the support order.

9 History: 1993 a. 326.

SECTION 134. 769.604 (1) (c) of the statutes is created to read:

10 769.604 (1) (c) The existence and satisfaction of other obligations under the
11 support order.

12 **SECTION 135.** 769.604 (2) of the statutes is amended to read:

13 769.604 (2) In a proceeding for arrearages under a registered support order, the
14 statute of limitations under the laws of this state or of the issuing state or foreign
15 country, whichever is longer, applies.

16 History: 1993 a. 326.

SECTION 136. 769.604 (3) of the statutes is created to read:

17 769.604 (3) A responding tribunal of this state shall apply the procedures and
18 remedies of this state to enforce current support and collect arrearages and interest
19 due on a support order of another state or a foreign country that is registered in this
20 state.

21 **SECTION 137.** 769.604 (4) of the statutes is created to read:

22 769.604 (4) After a tribunal of this state or another state determines which is
23 the controlling order and issues an order consolidating arrearages, if any, a tribunal
24 of this state shall prospectively apply the law of the state or foreign country issuing

1 the controlling order, including its law on interest on arrearages, on current and
2 future support, and on consolidated arrearages.✓

3 **SECTION 138.** 769.605 (1) of the statutes is amended to read:

4 769.605 (1) Whenever a support order or income-withholding order issued in
5 another state or a foreign support order is registered, the registering tribunal of this
6 state shall notify the nonregistering party. The notice must be accompanied by a copy
7 of the registered order and the documents and relevant information accompanying
8 the order.✓

History: 1993 a. 326; 1997 a. 27; 2005 a. 443 s. 265.

9 **SECTION 139.** 769.605 (2) (a) of the statutes is amended to read:

10 769.605 (2) (a) That a registered support order is enforceable as of the date of
11 registration in the same manner as an order issued by a tribunal of this state.✓

History: 1993 a. 326; 1997 a. 27; 2005 a. 443 s. 265.

12 **SECTION 140.** 769.605 (2) (b) of the statutes is amended to read:

13 769.605 (2) (b) That a hearing to contest the validity or enforcement of the
14 registered order must be requested within 20 days after the date of mailing or
15 personal service of the notice unless the registered order is under s. 769.707.✓

History: 1993 a. 326; 1997 a. 27; 2005 a. 443 s. 265.

16 **SECTION 141.** 769.605 (2) (c) of the statutes is amended to read:

17 769.605 (2) (c) That failure to contest the validity or enforcement of the
18 registered order in a timely manner will result in confirmation of the order and
19 enforcement of the order and the alleged arrearages ~~and precludes further contest~~
20 ~~of that order with respect to any matter that could have been asserted.~~✓

History: 1993 a. 326; 1997 a. 27; 2005 a. 443 s. 265.✓

21 **SECTION 142.** 769.605 (2m) of the statutes is created to read:

22 769.605 (2m) If the registering party asserts that 2 or more orders are in effect,
23 the notice must also do all of the following:✓

1 (a) Identify the 2 or more orders and the order alleged by the registering party
2 to be the controlling order and the consolidated arrearages, if any.✓

3 (b) Notify the nonregistering party of the right to a determination of which is
4 the controlling order.✓

5 (c) State that the procedures provided in sub. (2)✓ apply to the determination of
6 which is the controlling order.✓

7 (d) State that failure to contest the validity or enforcement of the order alleged
8 to be the controlling order in a timely manner may result in confirmation that the
9 order is the controlling order.✓

10 **SECTION 143.** 769.605 (3) of the statutes is amended to read:

11 769.605 (3) Upon registration of an income-withholding order for enforcement,
12 the support enforcement agency or the registering tribunal shall notify the obligor's
13 employer under s. 767.75 (2r).✓

14 History: 1993 a. 326; 1997 a. 27; 2005 a. 443 s. 265.

SECTION 144. 769.606 (title) of the statutes is amended to read:

15 **769.606 (title) Procedure to contest validity or enforcement of**
16 **registered support order.**✓

17 History: 1993 a. 326; 1997 a. 27.

SECTION 145. 769.606 (1) of the statutes is amended to read:

18 769.606 (1) A nonregistering party seeking to contest the validity or
19 enforcement of a registered support order in this state shall request a hearing within
20 ~~20 days after the date of mailing or personal service of notice of the registration~~ the
21 time required by s. 769.605.✓ The nonregistering party may seek to vacate the
22 registration, to assert any defense to an allegation of noncompliance with the

1 registered order, or to contest the remedies being sought or the amount of any alleged
2 arrearages as provided in s. 769.607.✓

History: 1993 a. 326; 1997 a. 27.

3 **SECTION 146.** 769.606 (2) of the statutes is amended to read:

4 769.606 (2) If the nonregistering party fails to contest the validity or
5 enforcement of the registered support order in a timely manner, the order is
6 confirmed by operation of law.✓

History: 1993 a. 326; 1997 a. 27.

7 **SECTION 147.** 769.606 (3) of the statutes is amended to read:

8 769.606 (3) If a nonregistering party requests a hearing to contest the validity
9 or enforcement of the registered support order, the registering tribunal shall
10 schedule the matter for hearing and give notice to the parties of the date, time, and
11 place of the hearing.✓

History: 1993 a. 326; 1997 a. 27.

12 **SECTION 148.** 769.607 (1) (intro.) of the statutes is amended to read:

13 769.607 (1) (intro.) A party contesting the validity or enforcement of a
14 registered support order or seeking to vacate the registration has the burden of
15 proving one or more of the following defenses:✓

History: 1993 a. 326.

16 **SECTION 149.** 769.607[^] (1) (h) of the statutes is created to read:

17 769.607 (1) (h) That the alleged controlling order is not the controlling order.✓

18 **SECTION 150.** 769.607 (2) of the statutes is amended to read:

19 769.607 (2) If a party presents evidence establishing a full or partial defense
20 under sub. (1), a tribunal may stay enforcement of the a registered support order,
21 continue the proceeding to permit production of additional relevant evidence, or
22 issue other appropriate orders. An uncontested portion of the registered support
23 order may be enforced by all remedies available under the law of this state.✓

History: 1993 a. 326.

1 **SECTION 151.** 769.607 (3) of the statutes is amended to read:

2 769.607 (3) If the contesting party does not establish a defense under sub. (1)
3 to the validity or enforcement of ~~the~~ a registered support order, the registering
4 tribunal shall issue an order confirming the order.✓

5 History: 1993 a. 326.

5 **SECTION 152.** 769.608 of the statutes is amended to read:

6 **769.608 Confirmed order.** Confirmation of a registered support order,
7 whether by operation of law or after notice and hearing, precludes further contest of
8 the order with respect to any matter that could have been asserted at the time of
9 registration.✓

10 History: 1993 a. 326.

10 **SECTION 153.** 769.609 of the statutes is amended to read:

11 **769.609 Procedure to register child support order of another state for**
12 **modification.** A party or support enforcement agency seeking to modify, or to
13 modify and enforce, a child support order issued in another state shall register that
14 order in this state in the same manner as provided in ss. 769.601 to 769.604 769.608✓
15 if the order has not been registered. A petition for modification may be filed at the
16 same time as a request for registration, or later. The pleading must specify the
17 grounds for modification.✓

18 History: 1993 a. 326.

18 **SECTION 154.** 769.61 of the statutes is amended to read:

19 **769.61 Effect of registration for modification.** A tribunal of this state may
20 enforce a child support order of another state registered for purposes of modification,
21 in the same manner as if the order had been issued by a tribunal of this state, but
22 the registered support order may be modified only if the requirements of s. 769.611
23 or 769.613✓ have been met.✓

History: 1993 a. 326.

1 **SECTION 155.** 769.611 (1) (intro.) of the statutes is amended to read:

2 769.611 (1) (intro.) After a child support order issued in another state has been
3 registered in this state, unless s. 769.613[✓] applies ~~the responding~~ a tribunal of this
4 state may, upon petition, modify that child support order ~~only~~ if, after notice and
5 hearing, it finds ~~at least~~ one of the following:[✓]

History: 1993 a. 326; 1997 a. 27.

6 **SECTION 156.** 769.611 (1) (a) 1. of the statutes is amended to read:

7 769.611 (1) (a) 1. The child, the ~~individual~~ obligee who is an individual, and the
8 obligor do not reside in the issuing state.[✓]

History: 1993 a. 326; 1997 a. 27.

9 **SECTION 157.** 769.611 (1) (b) of the statutes is amended to read:

10 769.611 (1) (b) That this state is the residence of the child, or a party who is an
11 individual ~~party or the child~~ is subject to the personal jurisdiction of the tribunal of
12 this state, and that all of the individual parties who are individuals have filed a ^{strike}
13 ~~written consent~~ consents in a record in the issuing tribunal providing that a tribunal ^{extra}
14 of this state may modify the child support order and assume continuing, exclusive ^{space}
15 jurisdiction ~~over the child support order. However, if the issuing state is a foreign~~
16 ~~jurisdiction that has not enacted this chapter, the written consent of the individual~~
17 ~~party residing in this state is not required for the tribunal to assume jurisdiction to~~
18 ~~modify the child support order.~~[✓]

History: 1993 a. 326; 1997 a. 27.

19 **SECTION 158.** 769.611 (3) of the statutes is amended to read:

20 769.611 (3) A tribunal of this state may not modify any aspect of a child support
21 order that may not be modified under the law of the issuing state, including the
22 duration of the obligation of support.[✓] If 2 or more tribunals have issued child support
23 orders for the same obligor and same child, the child support order that is controlling

and must be recognized under s. 769.207 establishes the nonmodifiable aspects of the support order.✓

History: 1993 a. 326; 1997 a. 27.

SECTION 159. 769.611 (3m) of the statutes is created to read:

769.611 (3m) In a proceeding to modify a child support order, the law of the state that is determined to have issued the initial controlling order✓ governs the duration of the obligation of support. The obligor's fulfillment of the duty of support established by that order precludes the imposition of a further obligation of support by a tribunal of this state.✓

SECTION 160. 769.611 (5) of the statutes is created to read:

769.611 (5) Notwithstanding subs. (1)✓ to (4)✓ and s. 769.201 (2m)✓, a tribunal of this state retains jurisdiction to modify an order issued by a tribunal of this state if one party resides in another state and the other party resides outside the United States.✓

SECTION 161. 769.612 (intro.) of the statutes is amended to read:

769.612 Recognition of order modified in another state. (intro.) A strike extra space
tribunal of this state shall recognize a modification of its earlier If a child support order issued by a tribunal of this state is modified by a tribunal of another state that assumed jurisdiction under a law substantially similar to this chapter and, upon request, except as otherwise provided in this chapter, shall do the Uniform Interstate Family Support Act, all of the following apply to a tribunal of this state:✓

History: 1993 a. 326.

SECTION 162. 769.612 (1) of the statutes is amended to read:

769.612 (1) ~~Enforce the~~ The tribunal may enforce its order that was modified only as to amounts arrearages and interest accruing before the modification.✓

History: 1993 a. 326.

SECTION 163. 769.612 (2) of the statutes is repealed.✓

1 **SECTION 164.** 769.612 (3) of the statutes is amended to read:

2 769.612 (3) ~~Provide other~~ The tribunal may provide appropriate relief ~~only for~~
3 violations of ~~that its~~ order that occurred before the effective date of the modification.✓

4 History: 1993 a. 326.

4 **SECTION 165.** 769.612 (4) of the statutes is amended to read:

5 769.612 (4) ~~Recognize~~ The tribunal shall recognize the modifying order of the
6 other state, upon registration, for the purpose of enforcement.✓

7 History: 1993 a. 326.

7 **SECTION 166.** 769.613 (title) of the statutes is amended to read:

8 **769.613 (title) Jurisdiction to modify child support order of another**
9 **state when individual parties reside in this state.**✓

10 History: 1997 a. 27.

10 **SECTION 167.** 769.613 (1) of the statutes is amended to read:

11 769.613 (1) If all of the ~~individual~~ parties who are individuals reside in this
12 state and the child does not reside in the issuing state, a tribunal of this state has
13 jurisdiction to enforce and to modify the issuing state's child support order in a
14 proceeding to register that order.✓

15 History: 1997 a. 27.

15 **SECTION 168.** 769.613 (2) of the statutes is amended to read:

16 769.613 (2) A tribunal of this state exercising jurisdiction as provided in sub.
17 (1) shall apply the provisions of this subchapter and subchs. I and II and the
18 procedural and substantive law of this state to the enforcement or modification
19 proceeding. Subchapters III to V, VII, and VIII do not apply, ~~and the tribunal shall~~
20 ~~apply the procedural and substantive law of this state.~~✓

21 History: 1997 a. 27.

21 **SECTION 169.** 769.615 of the statutes is created to read:

22 **769.615 Jurisdiction to modify child support order of foreign country.**

23 (1) Except as provided in s. 769.711, if a foreign country lacks or refuses to exercise

1 jurisdiction to modify its child support order under its laws, a tribunal of this state
2 may assume jurisdiction to modify the child support order and bind all individuals
3 who are subject to the personal jurisdiction of the tribunal whether the consent to
4 modification of a child support order otherwise required of the individual under s.
5 769.611[✓] has been given or whether the individual seeking modification is a resident
6 of this state or of the foreign country.[✓]

7 (2) An order issued by a tribunal of this state modifying a foreign child support
8 order under this section is the controlling order.[✓]

9 **SECTION 170.** [^]769.616 of the statutes is created to read:

10 **769.616 Procedure to register child support order of foreign country**
11 **for modification.** A party or support enforcement agency seeking to modify, or to
12 modify and enforce, a foreign child support order not under the convention may
13 register that order in this state under ss. 769.601[✓] to 769.608[✓] if the order has not been
14 registered. A petition for modification may be filed at the same time as a request for
15 registration, or at another time. The petition must specify the grounds for
16 modification.[✓]

17 **SECTION 171.** Subchapter VII of ~~Chapter 769~~ ^[precedes 769.701] of the statutes is repealed and
18 recreated to read:

19 **CHAPTER 769**

20 **SUBCHAPTER VII**

21 **SUPPORT PROCEEDING UNDER**

22 **CONVENTION**

23 **769.701 Definitions.** In this subchapter:

1 (1) "Application" means a request under the convention by an obligee or obligor,
2 or on behalf of a child, made through a central authority for assistance from another
3 central authority.✓

4 (2) "Central authority" means the entity designated by the United States or a
5 foreign country described in s. 769.101 (3c) (d) to perform the functions specified in
6 the convention.✓

7 (3) "Convention support order" means a support order of a tribunal of a foreign
8 country described in s. 769.101 (3c) (d).✓

9 (3m) "Department" means the department of children and families.

10 (4) "Direct request" means a petition filed by an individual in a tribunal of this
11 state in a proceeding involving an obligee, obligor, or child residing outside the
12 United States.✓

13 (5) "Foreign central authority" means the entity designated by a foreign
14 country described in s. 769.101 (3c) (d) to perform the functions specified in the
15 convention.✓

16 (6) (a) "Foreign support agreement" means an agreement for support in a
17 record to which all of the following apply:

- 18 1. It is enforceable as a support order in the country of origin.✓
- 19 2. It has been either of the following:
 - 20 a. Formally drawn up or registered as an authentic instrument by a foreign
21 tribunal.✓
 - 22 b. Authenticated by, or concluded, registered, or filed with a foreign tribunal.✓
- 23 3. It may be reviewed and modified by a foreign tribunal.✓

24 (b) "Foreign support agreement" includes a maintenance arrangement or
25 authentic instrument under the convention.✓

1 (7) "United States central authority" means the secretary of the federal
2 department of health and human services.✓

3 **769.702 Applicability.** This subchapter applies only to a support proceeding
4 under the convention. In such a proceeding, if a provision of this subchapter is
5 inconsistent with subchs. I to VI, this subchapter controls.✓

6 **769.703 Relationship of governmental entity to United States central**
7 **authority.** The department is recognized as the agency designated by the United
8 States central authority to perform specific functions under the convention.✓

9 **769.704 Initiation by department of support proceeding under**
10 **convention.** (1) In a support proceeding under this subchapter, the department✓
11 shall do all of the following:

12 (a) Transmit and receive applications.✓

13 (b) Initiate or facilitate the institution of a proceeding regarding an application
14 in a tribunal of this state.✓

15 (2) All of the following support proceedings are available to an obligee under
16 the convention:

17 (a) Recognition or recognition and enforcement of a foreign support order.✓

18 (b) Enforcement of a support order issued or recognized in this state.✓

19 (c) Establishment of a support order if there is no existing order, including, if
20 necessary, determination of parentage of a child.✓

21 (d) Establishment of a support order if recognition of a foreign support order
22 is refused under s. 769.708 (2) (b), (d), or (i).✓

23 (e) Modification of a support order of a tribunal of this state.✓

24 (f) Modification of a support order of a tribunal of another state or a foreign
25 country.✓

1 (3) All of the following support proceedings are available under the convention
2 to an obligor against which there is an existing support order:✓

3 (a) Recognition of an order suspending or limiting enforcement of an existing
4 support order of a tribunal of this state.✓

5 (b) Modification of a support order of a tribunal of this state.✓

6 (c) Modification of a support order of a tribunal of another state or a foreign
7 country.✓

8 (4) A tribunal of this state may not require security, bond, or deposit, however
9 described, to guarantee the payment of costs and expenses in proceedings under the
10 convention.✓

11 **769.705 Direct request.** (1) A petitioner may file a direct request seeking
12 establishment or modification of a support order or determination of parentage of a
13 child. In the proceeding, the law of this state applies.

14 (2) A petitioner may file a direct request seeking recognition and enforcement
15 of a support order or support agreement. In the proceeding, ss. 769.706 to 769.713✓
16 apply.✓

17 (3) In a direct request for recognition and enforcement of a convention support
18 order or foreign support agreement all of the following apply:

19 (a) A security, bond, or deposit is not required to guarantee the payment of costs
20 and expenses.✓

21 (b) An obligee or obligor that in the issuing country has benefited from free legal
22 assistance is entitled to benefit, at least to the same extent, from any free legal
23 assistance provided for by the law of this state under the same circumstances.✓

24 (4) A petitioner filing a direct request is not entitled to assistance from the
25 department.✓

1 (5) This subchapter does not prevent the application of laws of this state that
2 provide simplified, more expeditious rules regarding a direct request for recognition
3 and enforcement of a foreign support order or foreign support agreement.✓

4 **769.706 Registration of convention support order.** (1) Except as
5 otherwise provided in this subchapter, a party who is an individual or a support
6 enforcement agency seeking recognition of a convention support order shall register
7 the order in this state as provided in subch. VI.✓

8 (2) Notwithstanding s. 769.311✓ and 769.602 (1)✓, a request for registration of a
9 convention support order must be accompanied by all of the following:

10 (a) A complete text of the support order or an abstract or extract of the support
11 order drawn up by the issuing foreign tribunal, which may be in the form
12 recommended by the Hague Conference on Private International Law.✓

13 (b) A record stating that the support order is enforceable in the issuing country.✓

14 (c) If the respondent did not appear and was not represented in the proceedings
15 in the issuing country, a record attesting, as appropriate, either that the respondent
16 had proper notice of the proceedings and an opportunity to be heard or that the
17 respondent had proper notice of the support order and an opportunity to be heard in
18 a challenge or appeal on fact or law before a tribunal.✓

19 (d) A record showing the amount of arrears, if any, and the date the amount was
20 calculated.✓

21 (e) A record showing a requirement for automatic adjustment of the amount
22 of support, if any, and the information necessary to make the appropriate
23 calculations.✓

24 (f) If necessary, a record showing the extent to which the applicant received free
25 legal assistance in the issuing country.✓

1 (3) A request for registration of a convention support order may seek
2 recognition and partial enforcement of the order.✓

3 (4) A tribunal of this state may vacate the registration of a convention support
4 order without the filing of a contest under s. 769.707✓ only if, acting on its own motion,
5 the tribunal finds that recognition and enforcement of the order would be manifestly
6 incompatible with public policy.

7 (5) The tribunal shall promptly notify the parties of the registration or the
8 order vacating the registration of a convention support order.

9 **767.707 Contest of registered convention support order.** (1) Except as
10 otherwise provided in this subchapter, ss. 769.605✓ to 769.608✓ apply to a contest of a
11 registered convention support order.✓

12 (2) A party contesting a registered convention support order shall file a contest
13 not later than 30 days after notice of the registration, but if the contesting party does
14 not reside in the United States, the contest must be filed not later than 60 days after
15 notice of the registration.✓

16 (3) If the nonregistering party fails to contest the registered convention
17 support order by the time specified in sub. (2)✓, the order is enforceable.✓

18 (4) A contest of a registered convention support order may be based only on
19 grounds set forth in s. 769.708✓. The contesting party bears the burden of proof.✓

20 (5) In a contest of a registered convention support order, all of the following
21 apply to a tribunal of this state:✓

22 (a) The tribunal is bound by the findings of fact on which the foreign tribunal
23 based its jurisdiction.✓

24 (b) The tribunal may not review the merits of the order.✓

1 (6) A tribunal of this state deciding a contest of a registered convention support
2 order shall promptly notify the parties of its decision.✓

3 (7) A challenge or appeal, if any, does not stay the enforcement of a convention
4 support order unless there are exceptional circumstances.✓

5 **769.708 Recognition and enforcement of registered convention**
6 **support order.** (1) Except as otherwise provided in sub. (2), a tribunal of this state
7 shall recognize and enforce a registered convention support order.✓

8 (2) The following grounds are the only grounds on which a tribunal of this state
9 may refuse recognition and enforcement of a registered convention support order.✓ ^

10 (a) Recognition and enforcement of the order is manifestly incompatible with
11 public policy, including the failure of the issuing tribunal to observe minimum
12 standards of due process, which include notice and an opportunity to be heard.✓

13 (b) The issuing tribunal lacked personal jurisdiction consistent with s. 769.201.✓

14 (c) The order is not enforceable in the issuing country.✓

15 (d) The order was obtained by fraud in connection with a matter of procedure.✓

16 (e) A record transmitted in accordance with s. 769.706 lacks authenticity or
17 integrity.✓

18 (f) A proceeding between the same parties and having the same purpose is
19 pending before a tribunal of this state and that proceeding was the first to be filed.✓

20 (g) The order is incompatible with a more recent support order involving the
21 same parties and having the same purpose, if the more recent support order is
22 entitled to recognition and enforcement under this chapter in this state.✓

23 (h) Payment, to the extent alleged arrears have been paid in whole or in part.✓

24 (i) In a case in which the respondent neither appeared nor was represented in
25 the proceeding in the issuing foreign country, if either of the following applies:✓

1 1. If the law of that country provides for prior notice of proceedings, the
2 respondent did not have proper notice of the proceedings and an opportunity to be
3 heard.✓

4 2. If the law of that country does not provide for prior notice of the proceedings,
5 the respondent did not have proper notice of the order and an opportunity to be heard
6 in a challenge or appeal on fact or law before a tribunal.✓

7 (j) The order was made in violation of s. 769.711.✓

8 (3) If a tribunal of this state does not recognize a convention support order
9 under sub. (2) (b)✓, (d)✓, (f)✓, or (i)✓, both of the following apply:✓

10 (a) The tribunal may not dismiss the proceeding without allowing a reasonable
11 time for a party to request the establishment of a new convention support order.✓

12 (b) The department shall take all appropriate measures to request a child
13 support order for the obligee if the application for recognition and enforcement was
14 received under s. 769.704.✓

15 **769.709 Partial enforcement.** If a tribunal of this state does not recognize
16 and enforce a convention support order in its entirety, it shall enforce any severable
17 part of the order.✓ An application or direct request may seek recognition and partial
18 enforcement of a convention support order.✓

19 **769.710 Foreign support agreement.** (1) Except as otherwise provided in
20 subs. (3)✓ and (4), a tribunal of this state shall recognize and enforce a foreign support
21 agreement registered in this state.✓

22 (2) An application or direct request for recognition and enforcement of a foreign
23 support agreement must be accompanied by all of the following:

24 (a) A complete text of the foreign support agreement.✓

1 (b) A record stating that the foreign support agreement is enforceable as a
2 decision in the issuing country.✓

3 (3) A tribunal of this state may vacate the registration of the foreign support
4 agreement only if, acting on its own motion, the tribunal finds that recognition and
5 enforcement would be manifestly incompatible with public policy.✓

6 (4) In a contest of a foreign support agreement, a tribunal of this state may
7 refuse recognition and enforcement of the agreement if it finds any of the following:

8 (a) Recognition and enforcement of the agreement is manifestly incompatible
9 with public policy.✓

10 (b) The agreement was obtained by fraud or falsification.✓

11 (c) The agreement is incompatible with a support order involving the same
12 parties and having the same purpose in this state, another state, or a foreign country,
13 if the support order is entitled to recognition and enforcement under this chapter in
14 this state.✓

15 (d) The record submitted under sub. (2) lacks authenticity or integrity.✓

16 (5) A proceeding for recognition and enforcement of a foreign support
17 agreement ~~must~~ ^{shall} be suspended during the pendency of a challenge to or appeal of the
18 agreement before a tribunal of another state or a foreign country.✓

19 **769.711 Modification of convention child support order.** (1) A tribunal
20 of this state may not modify a convention child support order if the obligee remains
21 a resident of the foreign country where the support order was issued, unless any of
22 the following applies:✓

23 (a) The obligee submits to the jurisdiction of a tribunal of this state, either
24 expressly or by defending on the merits of the case without objecting to the
25 jurisdiction at the first available opportunity.✓

jurisdiction

1 (b) The foreign tribunal lacks or refuses to exercise jurisdiction to modify its
2 support order or issue a new support order.✓

3 (2) If a tribunal of this state does not modify a convention child support order
4 because the order is not recognized in this state, s. 769.708 (3) applies.✓

5 **769.712 Personal information; limit on use.** Personal information
6 gathered or transmitted under this subchapter may be used only for the purposes for
7 which it was gathered or transmitted.✓

8 **769.713 Record in original language; English translation.** A record filed
9 with a tribunal of this state under this subchapter must be in the original language
10 and, if not in English, must be accompanied by an English translation.✓

11 **SECTION 172.** 769.802 (2) of the statutes is amended to read:

12 769.802 (2) If, under this chapter or a law substantially similar to this chapter,
13 ~~the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform~~
14 ~~Reciprocal Enforcement of Support Act~~, the governor of another state makes a
15 demand that the governor of this state surrender an individual charged criminally
16 in that state with having failed to provide for the support of a child or other individual
17 to whom a duty of support is owed, the governor may require a prosecutor to
18 investigate the demand and report whether a proceeding for support has been
19 initiated or would be effective. If it appears that a proceeding would be effective but
20 has not been initiated, the governor may delay honoring the demand for a reasonable
21 time to permit the initiation of a proceeding.✓

History: 1993 a. 326; 1997 a. 27.

22 **SECTION 173.** 769.901 of the statutes is amended to read:

23 **769.901 Uniformity of application and construction.** This In applying
24 and construing this chapter shall be applied and construed to effectuate its general

1 ~~purpose to make uniform, consideration must be given to the need to promote~~
2 ~~uniformity of the law with respect to the subject of this chapter among states~~
3 ~~enacting it.~~✓

4 History: 1993 a. 326.

5 **SECTION 174.** ✓ 769.903 (title) of the statutes is amended to read:

6 **769.903 (title) Severability clause.**✓

7 History: 1993 a. 326.

8 **SECTION 175. Initial applicability.**

9 (1) This act first applies to proceedings commenced on the effective date of this
10 subsection✓ to establish a support order or determine parentage of a child or to
11 register, recognize, enforce, or modify a prior support order, determination, or
agreement, whenever issued or entered.✓

(END)



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not One of the main changes ~~made by~~ *makes* the bill is to clarify UIFSA's application to foreign countries, in recognition of and conformity with the ratification by the United States of the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, concluded at The Hague on November 23, 2007 (convention). The purpose of the convention is to provide international procedures for enforcing child support orders when the person who is liable for the support and the child do not live in the same country. Whereas under current law "state" is defined to include a "foreign jurisdiction that has enacted a law or established procedures for issuance and enforcement of support orders that are substantially similar to the procedures under the Uniform Reciprocal Enforcement of Support Act" so that a reference to a "state" in current law includes a reference to a foreign country, this bill eliminates a foreign jurisdiction from the definition of "state" and adds "foreign country" to the statutory text wherever appropriate. For example, current law provides that a court in this state may forward proceedings to, and receive proceedings from, a court of another state, which would include a foreign jurisdiction. The bill provides that a court in this state may forward proceedings to a court of another state and receive proceedings initiated in another state or a foreign country. As another example, current law provides that if a proceeding related to child support is brought in this state and two or more child support orders regarding the same child and obligor have been issued by courts of this or another state, a court of this state must apply certain rules to determine which child support order to recognize for purposes of continuing jurisdiction. Under the bill, the court must use the same rules for determining which child support order controls and must be recognized, and adds that one or more of the child support orders may have been issued in a foreign country. In the bill, "foreign country" is defined as a country other than the U.S. that authorizes the issuance of support orders and that has been declared under the laws of the U.S. to be a foreign reciprocating country, that has established a reciprocal arrangement for child support with this state, that has enacted a law or established procedures for issuing and enforcing support orders that are substantially similar to UIFSA, or that is one in which the convention is in force with respect to the U.S.

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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

Date

LRB-2081/dn

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In the uniform act, two alternatives were provided for s. 769.307 (1). One is current law. For the other alternative, a legislative note in the uniform act provided that the state legislature may choose to adopt the second alternative "if the federal legislation enabling the entry into force of the Convention contains a provision authorizing an option for the state enforcement agency to accept or reject an application for services originating in a foreign country that is not a country defined in Section 102(5)(A) or (D) (which is s. 769.101 (3c) (a) or (d) in the draft), a foreign reciprocating country or a foreign treaty country respectively."

Rick Champagne advises that there is no federal legislation yet. Please advise how you would like to deal with this in the draft. One option would be to retain current law and substitute the second alternative as an amendment if the federal legislation passes before the bill passes. Another option would be to include the second alternative in the bill with an effective date that is the date published by the Department of Children and Families in the Wisconsin Administrative Register if and when the federal legislation passes. The problem with this second option is that the statutes may include language that is never in effect.

For your information, amending current law to produce the second alternative would look like this:

→ "SECTION 1. 769.307 (1) of the statutes is renumbered 769.307 (1) (intro.) and amended to read:

> 769.307 (1) (intro.) A In a proceeding under this chapter, a support enforcement agency of this state, upon request, shall:

(a) Shall provide services to a petitioner in a proceeding under this chapter residing in a state.

History: 1993 a. 326; 1997 a. 27.

SECTION 2. 769.307 (1) (b) of the statutes is created to read:

provides

provided in the uniform act

769.307 (1) (b) Shall provide services to a petitioner requesting services through a central authority of a foreign country as described in s. 769.101 (3c) (a)✓
or (d).✓

SECTION 3. 769.307[^] (1) (c) of the statutes is created to read:

769.307 (1) (c) May provide services to a petitioner who is an individual not
residing in a state. ✓ » ←

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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2081/1dn
PJK:nwn:ph

August 4, 2009

In the uniform act, two alternatives were provided for s. 769.307 (1). One is current law. For the other alternative, a legislative note in the uniform act provides that the state legislature may choose to adopt the second alternative "if the federal legislation enabling the entry into force of the Convention contains a provision authorizing an option for the state enforcement agency to accept or reject an application for services originating in a foreign country that is not a country defined in Section 102(5)(A) or (D) (which is s. 769.101 (3c) (a) or (d) in the draft), a foreign reciprocating country or a foreign treaty country respectively."

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For your information, amending current law to produce the second alternative provided in the uniform act would look like this:

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and amended to read:

769.307 (1) (intro.) ~~-A-~~ In a proceeding under this chapter, a support enforcement agency of this state, upon request, shall;

(a) Shall provide services to a petitioner in a proceeding under this chapter residing in a state.

SECTION 2. 769.307 (1) (b) of the statutes is created to read:

769.307 (1) (b) Shall provide services to a petitioner requesting services through a central authority of a foreign country as described in s. 769.101 (3c) (a) or (d).

SECTION 3. 769.307 (1) (c) of the statutes is created to read:

769.307 (1) (c) May provide services to a petitioner who is an individual not residing in a state.”

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